

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

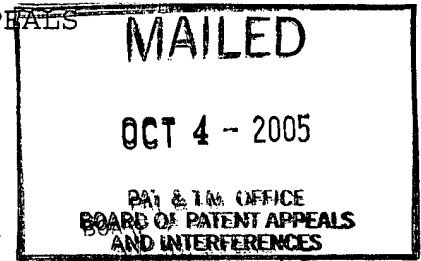
The opinion in support of the decision being entered today (1) was **not** written for publication in a law journal and (2) is **not** binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARK E. SANDERS

Application No. 10/039,717



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on August 26, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On February 24, 2004, an Examiner's Answer was entered into the record. Page 2 of the Examiner's Answer cites Japanese patent JP505071217A, by Igarashi et al. as prior art. The record does not contain an English language translation of the Igarashi et al. reference. Also, on page 5, it appears that no appeal conference has been conducted. According to the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., August 2001), when an

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appeal conference has been held, the appeal conference participants, including the examiner charged with the preparation of the Examiner's Answer, must identify themselves as the conferees, along with placing their initials next to their name. This procedure has not been completely followed, thus raising the question of whether or not an appeal conference was held.

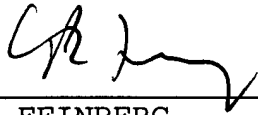
Accordingly, it is

ORDERED that the application is returned to the Examiner for:

- 1) a full English translation of JP50507121A reference;
- 2) providing such translation to the applicant and for scanning into the file; and
- 3) taking corrective action regarding the appeal conference, written notification of the action taken, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____


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